

**ADULT FOSTER CARE LICENSING ADVISORY COUNCIL
MEETING MINUTES**

November 15, 2007

MEMBERS PRESENT

Phillip Lancaster, Linda Lawther, Patricia MacKinnon, Kathleen Murphy, Lauren Swanson

MEMBERS ABSENT

Andrew Farmer, Cynthia Farrell, Ellen Sugrue Hyman, Michelle Mull, Dave Verseput

ABSENT MEMBERS REPRESENTED

David Verseput represented by Jon Ferguson
Michelle Mull represented by Brian Sabourin

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

Deborah Wood, Division Director,
Tom McWhorter, Program Specialist
Marva Chambers, Secretary

Kathleen Murphy called the meeting to order. A quorum was not present. The members present agreed the meeting should continue because there was a lot of information to cover and no issues required a vote.

Approval of Minutes - August 30, 2007

A vote could not be taken to accept or deny the minutes because a quorum was not present. The 5 members present reviewed and made no corrections.

NOTE: Marva emailed all Council members. Andy Farmer was not present at the 11-15-07 meeting but approved the minutes with the following addition:

Second Page, 3rd paragraph under "Review Council Roster and Bylaws"

"Andy commented that the Council's meeting frequency is driven by the Division's and/or other leaderships' vision of the Council as a resource: low frequency may reflect lack of such vision entirely, or a vision that finds the Council, perhaps through faults of its own, as an expendable burden of staff activity within a resource-starved environment."

Andy indicated that in order for the Council to become or be harnessed as a greater resource would certainly demand a higher frequency of meetings -- and with that certainly a raised and sustained commitment of staff resources dedication -- than what is currently the case, especially if that vision of resource becomes one for public advocacy. That Commitment would need to be jointly made to move forward in such a direction."

The minutes received approval by quorum of responses from members at the meeting plus Andy's response.

The minutes have been corrected to reflect Andy's addition and will be put on the DHS website

Approval of Agenda

No comment or corrections

Enforcement Issues

Deborah provided handouts of the Bureau's activity statistics for 10-1-06 through 9-30-07. Deborah pointed out that the figures continue to indicate a steady increase in the number of facilities. The report shows an increase in Renewals overdue because of limited resources and the Department's focus on the completion of special investigations since that is when residents may be at greatest risk. A license is also not renewed if there is an open special investigation, fire inspection overdue, or waiting for a corrective action plan.

Notice of Intent report for August, September and October were provided for review. Deborah explained that the report indicates facilities that have substantial noncompliance, and have been referred to the Disciplinary Action Unit to send out the "notice of intent," set up the compliance conference, and if appropriate make request for hearing.

In response to the Council's previous request for an update on the Notice of Findings Process, specifically the strengths, challenges and feedback from licensees and BCAL staff, a spreadsheet containing the total number of notice of findings for the period 2-1-07 through 11-1-07 was provided to Council Members. A review of the spreadsheet revealed a need to reformat the data for easier review. This will be done and emailed when completed to the Council.

Deborah reviewed the Notice of Findings feedback requested from Area Managers and Consultants. Actual comments/total number of results indicate consultants are being cautious and probably could be using Notice of Findings more.

Licensee's feedback has been positive.

Kathleen said provider's comments she heard were that it is too early in the process to see if the NOF process is working.

Linda Lawther reported that comments from counties are that they don't see the Notice of Finding process being used.

Focused Onsite Inspection Training Feedback

878 licensees and BCAL staff attended Focused Onsite Inspection Training and completed an evaluation. Area Managers provided training at 14 locations during September. The evaluation results reflect that the vast majority of attendees said they understood the FORI process.

Deborah said she would go over the "questions and answers" with Area Managers at the December Management meeting and possibly set up a FAQ on the website.

One comment on the evaluation was "Some people still do not have computers. Need another way to get forms." Deborah said the Department allows staff to give 1 copy of any form to a licensee but the licensee must make their own additional copies if they do not have a computer. The majority of the Bureau's forms have not been reprinted due to budget constraints.

Division Statistics

Adult Foster Care and Home for the Aged Division Statistics

A handout showing the number of open facilities, capacity, complaints received, number referred to the Disciplinary Action Unit, and special investigations closed for 1994 through 2007 was provided to Council members. The Council requested this document be emailed to them. Marva will follow up on this.

Linda asked that statistics on complaints substantiated be provided. Kathleen requested that number of facilities as well as number of substantiated complaints be provided to the Council. Deborah said she was not sure what statistics she could get as far back as 2000.

Background Check Statistics

New applicant statistics for period April 2006 through November 2007 were provided and reviewed.

Legislative Report/Issuance Timeliness

Deborah reviewed data from the License Issuance Summary Report for the period October 1, 2006 through September 30, 2007 indicating the number of original and renewal applications received and completed within the 180 days as required by Act 218, Section 400.712 (14) was provided. This report is required

to be submitted annually to the legislature. Deborah indicated that the Division is doing well with original issuance of licenses within the 180 day time period - considering the state of our resources

It should also be noted that when BCAL does not process an AFC or HFA application timely, it must return the licensing fee to the applicant.

Timeliness of Renewals and Special Investigations

At the August 30, 2007 Council meeting, Andy asked about staff vacancies and for an assessment of the Bureau's capacity to complete its work.

A report for 2002 vs. 2006/07 was provided. In 2002 there were 80 AFC consultants and now there are 45 AFC consultants. The report does not include HFA staff. Deborah reviewed the increased percentage of late renewals and late special investigations as a result of fewer staff.

Talking points were attached to this report.

There was further discussion regarding vacancies. Deborah advised that the Bureau has resubmitted requests to fill 3 vacancies, since there's been a change in administration and the beginning of a new fiscal year.

NOTE: Since the AFC Licensing Advisory Council meeting, these requests have been approved. Two people have officially been offered and accepted the positions in Traverse City and Kalamazoo offices. Two Lansing consultants, one Flint consultant and one Area Manager position has been posted. These are all backfills and are not new or additional FTEs.

Kathleen suggested the "Staffing Issue Committee" set up a conference call to discuss the talking points. This committee was formed at the August 30, 2007 meeting to draft a letter from the Council to Legislators regarding the consequences of staff vacancies.

Lauren said she would initiate the conference call and get back with Deborah. Kathleen suggested the conference call be within the next 2-3 weeks followed by drafting a letter to send to legislators regarding the consequences of staff vacancies.

Council Member Expiring Terms

Effective 12/31/07 there will be 7 vacancies on the Council. 6 members' terms are expiring and Sandra Kilde resigned as a result of her final retirement from MAHSA.

Kathleen nominated Phil to be the new chair of the Council. Phil indicated he would consider the nomination. Appointment of chairperson will be carried over to the next meeting.

2008 Meeting Schedule

There were no comments regarding the following suggested 2008 meeting schedule:

Wednesday, February 20, 2008 9:30 a.m. - 12:00 p.m.
7109 W. Saginaw, Large Conference Room

Wednesday, May 21, 2008 9:30 a.m. - 12:00 p.m.
7109 W. Saginaw (Room to be determined at later date)

Wednesday, August 20, 2008 9:30 a.m. -12:00 p.m.
7109 W. Saginaw, Large Conference Room

Wednesday, November 19, 2008 9:30 a.m. -12:00 p.m.
7109 W. Saginaw, Large Conference Room

Other

Lauren reported on the adult abuse and neglect prevention training that has been provided to 7,804 participants. They are working to put this on the website.

Training was provided in 8 hour and 4 hour sessions. These sessions were compared and the 8 hour session was preferred. Linda Lawther said her experience was that the 8 hour sessions allowed a relationship to be built with participants.

Michigan's adult abuse data collection being compiled into a report is in the process of being completed. Results will be released in Spring 2008.

Lauren provided a copy of Sarah Slocum, Michigan State Long Term Care Ombudsman's testimony to the U.S. Senate Special Committee on Aging, on the subject of Nursing Home Transparency and Improvement. Sarah was testifying today, November 15th at 1:30 p.m.

Meeting adjourned.

NEXT MEETING

February 20, 2007 AFC Council 9:30 a.m. - 12:30 p.m.
7109 W. Saginaw, Lansing, MI
Large Conference Room

